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Before the State of South Carolina
Department of Insurance

INSURANCE DEPARTMENT
OF SOUTH CAROLINA

In the matter of:)
)
Willie E. Howell, Sr.)
)
1141 Foxtrot Drive)
Hartsville, South Carolina 29550.)
_____)

SCDI File Number 2001-108707

**Consent Order
Imposing Administrative Fine
And Reinstating Licensure**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Willie E. Howell.

Upon review of this matter, I hereby find as fact that while licensed to do business as a resident adjuster within the State of South Carolina, Howell failed to notify the Department of a change in his residential address in violation of S.C. Code Ann. § 38-47-15 (Supp. 2000). This ultimately led to the revocation of his adjuster's license on October 7, 1999.

Since then, Howell has expressed a desire to reinstate his license. He and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that the Department would reinstate Howell's resident adjuster's license upon his payment of an administrative fine in the total amount of \$500 and a separate \$160 reinstatement fee.

S.C. Code Ann. § 38-47 (Supp. 2000) provides, "[w]hen the director or his designee determines after investigation that there has been a violation of this title by an adjuster, upon ten days' notice, he may impose the penalties provided in Section 38-2-10." Section 38-2-10 (2) states in pertinent part, "the director or his designee shall (a) fine the person in an amount not to exceed two thousand five hundred dollars, or (b) suspend or revoke the license of the person or both." S.C. Code Ann § 38-47-15 (Supp. 2000) requires that an adjuster "notify the department within thirty days of any change in his [business or residence] addresses."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law that Howell has violated the law governing licensed adjusters. As a result, the administrative action previously taken against Howell's resident adjuster's license was proper. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-2-10 (Supp. 2000), and after carefully considering the recommendations of the parties, I hereby impose against Howell an administrative fine in the total amount of \$500. If Howell pays that fine and a separate \$160 reinstatement fee within ten days of the date of my signature upon this consent order, the Department is to reinstate his resident adjuster's license.

WEH Willie E. Howell

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Howell on this issue before and of his assurance that in the future he will comply with the state's insurance laws. The parties expressly agree and understand Howell's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Howell acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2000).

It is, therefore, ordered that Howell shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of \$500 and a separate reinstatement fee of \$160.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Howell's licensing file.

This consent order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

July 19, 2001, at
Columbia, South Carolina

WEH Willie E. Howell

I CONSENT:

Willie E. Howell Sr.
Willie E. Howell, Sr.
1141 Foxtrot Drive
Hartsville, South Carolina 29550

Dated this 16 day of July, 2001